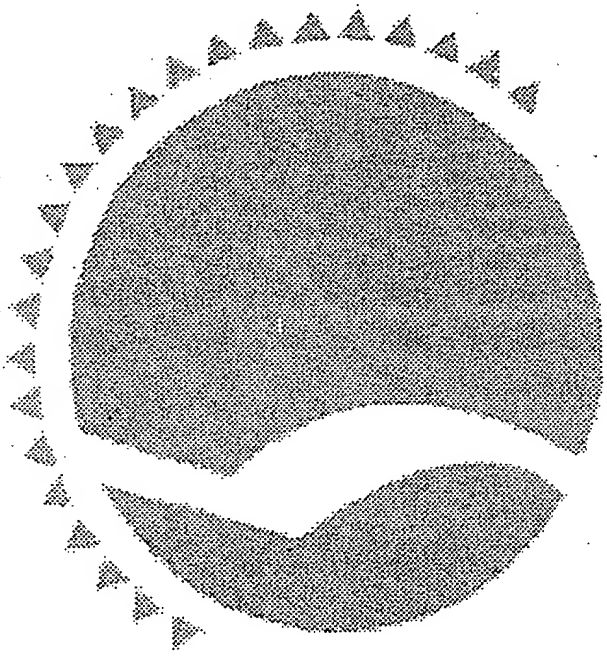
# ORAL DEPOSITION OF QINGHUA LIU

## February 7, 2003



CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:

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CAUSE NO. 2001-61352

BAYLOR COLLEGE OF MEDICINE and BCM TECHNOLOGIES, INC.. Plaintiffs/Counter-defendants, VS. CLONTECH LABORATORIES, INC.. Defendant/Counter-plaintiff, VS. INVITROGEN CORPORATION, Additional Counterclaim Defendant. )IN THE DISTRICT COURT OF )HARRIS COUNTY, T E X A S )133RD JUDICIAL DISTRICT

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ORAL DEPOSITION OF
QINGHUA LIU
February 7, 2003

**********

Reported By: Taye J. Clark
Job No. 39664



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EXHIBIT INDEX





ORAL DEPOSITION OF

QINGHUA LIU, produced as a witness at the instance of the DEFENDANT/COUNTER-PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 7th day of February, from 9:14 a.m. to 10:58 a.m., before Taye J. Clark, CSR in and for the State of Texas, reported at the offices of Patton Boggs, LLP, 2001 Ross Avenue, Suite 3000, Dallas, Texas 75201, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

A P P E A R A N C E S

FOR THE PLAINTIFFS/COUNTER-DEFENDANTS:

MS. M. MICHELLE MULLER, PH.D.
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FOR THE DEFENDANT/COUNTER-PLAINTIFF:

MR. MARC R. LABGOLD, PH.D.
Patton Boggs, LLP
8484 Westpark Drive
McLean, Virginia 22102



PRELIMINARY PROCEEDINGS

THE REPORTER: Going on the record at 9:14 a.m.

QINGHUA LIU,

having been first duly sworn, testified as follows:

THE REPORTER: By the Rules?

MR. LABGOLD: Yes.

THE REPORTER: Do you want to read and sign?

MS. MULLER: Yes.

MR. LABGOLD: In front of any Notary is fine.

EXAMINATION

QUESTIONS BY MR. MARC R. LABGOLD:

Q Good morning, Dr. Liu.

A Good morning to you, too.

Q Have you ever been deposed before?

A No.

Q Okay. Just so you understand, I'm going to ask you some questions, I'm going to show you some documents. Hopefully my questions will be clear enough that you'll understand.

If you don't understand the question, just ask and I'll try to clarify.

Your counsel may have certain objections.

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She'll say, "Objection." The first time she does, I guarantee you you'll sit there and turn around and look at her and wait for something else. That's all it is, she's noting an objection for the record.

Unless she instructs you not to answer, I'll expect an answer to the best of your ability.

By whom are you currently employed?

A U.T. Southwestern in Dallas.

Q Okay. And what's your position there?

A Post doctoral fellow.

Q In whose lab?

A Dr. Xiaodong Wang.

Q And what type of work are you doing?

A Biochemistry.

Q On what type of project?

A RNA Interference.

Q And how long have you been in your current position?

A Two years.

Q And prior to that, am I correctly understanding you were at Baylor?

A Yes.

Q And for the entire time you were at Baylor, were you in Dr. Elledge's lab?

A Yes.

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Q Now, did you prepare -- did you do anything to prepare for your deposition here today?

A You mean the deposition document?

Q Did you -- did you meet with your attorneys?

A Yes.

Q And who did you meet with?

A I meet with Michelle and Tracy.

Q Okay. And for how long did you meet?

A About two --

MS. MULLER: I'm going to object on the basis of privilege.

MR. LABGOLD: That's not a privilege.

You want me to show you transcripts from yesterday where I went through the same thing?

It's not privileged that you met, it's not privileged where you met, it's not privileged how long you met. I'm allowed to ask him as I did for the last few depositions what documents he reviewed. I'm allowed to ask if anything refreshes his recollection.

I can ask him what he discussed during those meetings and you can object and instruct him not to answer, but other than that, I'm entitled to an answer.

Q (By Mr. Labgold) How long did you meet?

MS. MULLER: Well, I'm going to have to

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review that, and if I'm incorrect on that, I will look at it, but for the moment I'm going to object on the basis of privilege.

MR. LABGOLD: Well, it's not worth my time, but I will tell you this -- no.

Q (By Mr. Labgold) Did you review any documents during your preparation?

A No.

Q Other than your meeting with your counsel at some unidentified undisclosed location -- the vice president may have been there with you but I won't ask that because that may also be privileged -- did you do anything else to prepare to be able to testify here today?

A No.

Q Have you spoken to Dr. Elledge anytime in the past year about the subject of the Univector System or this laboratory -- or this litigation?

A Yes.

Q And what were -- what did you discuss with Dr. Elledge?

A I call him, ask him if he knows I have to talk to you, and he said he knew about it, it's fine.

Q Did he tell you that he had had a deposition?

A Yes.

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Q Did he tell you what questions were asked during that deposition?

A No.

Q Did you discuss anything else concerning the deposition or just asking him if it was okay to do a deposition?

A He said, "Answer the question to your best knowledge, do not make any guess."

Q Anything else?

A No.

Q Now, if I understand correctly, you were one of the people who contributed to the development of the Univector System, correct?

A Yes.

Q And you have prepared a paper which was published, disclosed in that system, correct?

A Yes.

Q And you also filed a patent application?

A Yes.

Q And is it my understanding -- is my understanding correct that it is you and Dr. Elledge that created the Univector System?

A Yes.

Q Now, I understand that Ms. Li was involved in a -- I don't know how best to describe it -- a variation

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of the Univector System where it was directed to homologous recombination. Is that your understanding?
A It's all part of UPS system.
Q Okay. And is that part of what was in your patent?
A I don't know.
Q Okay. Now, you collect royalties based on your contribution, correct?
A Yes.
Q And do you -- what frequency do you receive checks on that?
A I don't remember.
Q Do you recall how much you've received in total, approximately?
A I can only estimate, but I'm not going to.
Q Was it $100,000?
A Less than that.
Q Was it $50,000?
A It's a couple of thousand dollars, I would say.
Q Just like $2,000?
MS. MULLER: Objection; form.
A I will say a couple of thousand dollars.
Q (By Mr. Labgold) Okay. Well, I'm trying to get an idea of what you mean by "a couple."
Colloquially in English, "a couple" would

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be two?
A Oh, really?
Q Some people would say "a few" is three, but we might differ on that.
A Approximately $5,000.
Q And that's the total which you have received to the best of your understanding?
A Per year.
Q Per year. Okay.
Were you involved in the decision of how the royalties would be distributed amongst you and your coinventors?
A No.
Q Let me mark as Lui Exhibit 1 a copy of a BCMT document bearing production number BCM 001659 through 1664.
(Exhibit No. 1 marked.)
Q (By Mr. Labgold) If you take a look down at the document about halfway through the page, there's a heading there that says "Inventors."
A Uh-huh.
Q And then it gives a breakdown between you -- Ms. Li and yourself.
A Uh-huh.
Q And does this comport with your recollection

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that for 1999 you received approximately $5,000?
A You mean under the inventors, this part?
Q Yeah.
A Are you saying if the number looks correct?
Q Yeah, your general recollection?
A Yes.
Q Now, do you know why Ms. Li is not named as an inventor on the patent?
A I don't know.
MS. MULLER: Objection; form.
Q (By Mr. Labgold) Was it your understanding that your contribution to the development of the Univector System and Ms. Li's were equivalent?
MS. MULLER: Objection; form.
A Can you rephrase the question?
Q (By Mr. Labgold) Do you believe that Ms. Li contributed the same amount as you did to the development of the Univector System?
MS. MULLER: Objection; form.
A No.
Q (By Mr. Labgold) Do you know why, then, Ms. Li obtains the same royalties as you do?
A I don't know.
Q Have you ever discussed that with Dr. Elledge?
A No.

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Q Have you ever discussed that with anybody else at Baylor or BCMT?
A Yes.
THE WITNESS: Is that a privilege?
MS. MULLER: To the extent that you spoke with counsel or involved communication of counsel, then I instruct you not to answer.
A That involves discussion with patent counsel at Baylor.
Q (By Mr. Labgold) Well, at any time did you raise a concern with anyone at BCMT as to whether the distribution of royalties was equitable?
MS. MULLER: Again, to the extent that that requires you to discuss -- to disclose any conversation with counsel, I instruct you not to answer.
MR. LABGOLD: And Counsel, I would -- I don't have the energy or the time to deal with this. I will just note on the record -- and I can tell we're coming back for another deposition, and it's going to be on your client's dime.
Because if he's going to Baylor and he's complaining or inquiring as to why his amount is equivalent to somebody who joined the project after the patent was filed, that's not seeking legal counsel. That's a business dispute.

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Now, you can instruct him as you will. I'll give you a moment to think about it. If you're going to tell me the instruction stands, I'll move on, and we'll deal with that later.

MS. MULLER: For the moment the instruction stands.

MR. LABGOLD: Okay.

Q (By Mr. Labgold) Did you ever get an answer as to why Ms. Li gets the same amount of royalties as you do dispite –

A No.

Q – the fact that –

Fair enough.

I'd like to mark as Liu Exhibit 2 a copy of an affidavit which you signed.

(Exhibit No. 2 marked.)

Q (By Mr. Labgold) Can you tell me if you've seen this document before today?

A Yes.

Q Did you yourself prepare the text of the document?

A Yes.

Q Did you type it yourself?

A No.

Q So if I understand correctly, you wrote the

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text of the document and then forwarded it to somebody else for typing?

MS. MULLER: Objection; privileged.

To the extent that that requires you to reveal any conversation you had with counsel, again –

MR. LABGOLD: There is nothing privileged about that. I am entitled to know how he prepared his declaration, affidavit, whatever you want to call it, his sworn statement.

Q (By Mr. Labgold) Are you going to –

MS. MULLER: If it involved a conversation with counsel, I'm going to instruct him not to answer.

MR. LABGOLD: Have you done this before?

MS. MULLER: Sir?

MR. LABGOLD: Have you done this before?

MS. MULLER: I'm not being deposed here.

Q (By Mr. Labgold) When you signed this affidavit, did you understand that you were under oath?

A Yes.

Q Did you understand what the consequences were if you made a statement which were not true, to your knowledge, in a sworn statement?

A Yes.

Q And do you understand that you are under oath here today, and that if you do not tell the truth, that

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the penalty of perjury adheres to that?

A Yes.

Q Okay. If you take a look at Paragraph 2 under Roman numeral two, says: (Reading) I contributed to the development of the univector plasmid-fusion system. What was your contribution?

A My contributions to develop the Cre enzyme and show this concept, this system works in principle.

Q When you say "develop the Cre enzyme," what are you talking about?

A Making the GST-Cre.

Q So making a GST-Cre fusion, correct?

A No.

Q Please explain.

A Not only that, more than that.

Q Okay. Please explain.

A Making the –

MS. MULLER: Objection; form. I'm sorry. Go ahead.

A Making a fusion protein, express it, an E. coli, purify it, demonstrate the purified protein has high – high specific activity.

Q (By Mr. Labgold) Okay. Now, GST fusion proteins were known in the art prior to your work, correct?

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A Correct.

Q And the Cre enzyme itself was known in the art prior to your work, correct?

A Correct.

Q And am I correct in understanding that the Cre recombinies, the Cre enzyme, its ability to recombine loxP site was also known in the art, correct?

A Correct.

Q If you take a look at page – I'm sorry, we got a stapling error here.

Actually, looking at Page 2 of your declaration, and you say that the Univector System was described and explained in an article and then it sets forth the article. Do you see that?

A Uh-huh, the first two sentences.

Q Yes. And I'd like to mark – let me give you a document we've already marked as Elledge Exhibit 3, if you can confirm for me that is the article to which you were referring?

A Yes.

Q And when you prepared – let me ask this: Were you involved in the preparation of the article?

A Yes.

Q And to the best of your ability, did you completely and fully describe the Univector System in

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the article?
A Yes.
Q And if I understand correctly, the goal of preparing an article that goes into a peer reviewed and public journal is to disseminate your research information into the public, correct?
A Yes.
Q And the goal being that from your research article, like the research articles which you cite in your own paper, other people could take your information and use it within the scientific community?
A Yes.
Q So am I correct in understanding that the purpose of publishing your information is to publicly disseminate the research information contained in the article?
A Yes.
Q Now, in the paragraph of your declaration which we were referring to, it also refers to a patent which you've called the Univector System Patent. Do you see that?
A Yes.
Q And I'd like to mark as Liu Exhibit 3 a copy of U.S. Patent No. 5851808.
MR. LABGOLD: And I'll apologize to

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Counsel, I only have one copy.
MS. MULLER: That's okay.
MR. LABGOLD: Off the record.
(Exhibit No. 3 marked)
(Discussion off the record.)
Q (By Mr. Labgold) Can you confirm for me that that is the patent to which you were referring, on Page 2 of Liu Exhibit 2?
A Yes.
Q And this is the patent to which you previously referred to which you and Dr. Elledge were inventors, correct?
A Correct.
Q And I don't know if this will refresh your recollection, if you note that there's a filing date here indicating that the patent application was filed on February 28th, 1997, do you recall that Ms. Li joined the lab in approximately March of 1997?
A I don't recall.
Q Okay. Now, was this the first patent application you had ever filed?
A Yes.
Q And when you were preparing your patent application, were you advised that you had an obligation to disclose all relevant prior art information --

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MS. MULLER: Objection --
Q (By Mr. Labgold) -- to the United States Patent and Trademark Office.
MS. MULLER: -- to the extent that that requires you to reveal communications between yourself and counsel, I instruct you not to answer that.
Q (By Mr. Labgold) Did you have an understanding that you had an obligation, an uncompromising duty of candor?
MS. MULLER: Again, to the extent that that -- that you would have to reveal conversations between yourself and counsel, I instruct you not to answer that.
Q (By Mr. Labgold) Did you have an understanding that you had to disclose what is known as the best mode of practicing your invention at the time your application is filed?
MS. MULLER: Same objection.
Q (By Mr. Labgold) Are you going to follow your counsel's instruction on -- every time she tells you not to answer?
A Yes.
Q Okay. That just saves me a little trouble and saves the court a little trouble later when I have to go through the record.

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Did you comply with your duty of candor obligations as imposed by 37 CFR 1.56A?
MS. MULLER: Objection; form.
A What's C --
Q (By Mr. Labgold) Has anybody ever told you about the duty of candor which is owed to the Patent Office?
MS. MULLER: To the extent that that would require you to reveal conversations with counsel, I instruct you not to answer.
Q (By Mr. Labgold) Have you ever been told that it's necessary during the prosecuting of your patent application to reveal all relevant material information to the United States Patent and Trademark Office?
MS. MULLER: Same instruction.
Q (By Mr. Labgold) And again, you're not going to answer the question, correct?
A Yes.
Q Did you identify to the United States Patent and Trademark Office all relevant and material information that you are aware of at the time of the filing of your patent application?
MS. MULLER: Same instruction.
MR. LABGOLD: Not to answer?
MS. MULLER: To the extent that it would

NO. 2001-61352

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|---|---|---|
| BAYLOR COLLEGE OF MEDICINE and BCM TECHNOLOGIES, INC. | * | IN THE DISTRICT COURT OF |
| VS. | * | HARRIS COUNTY, T E X A S |
| CLONTECH LABORATORIES, INC. | * | |
| VS. | * | |
| INVITROGEN CORPORATION | * | 133RD JUDICIAL DISTRICT |

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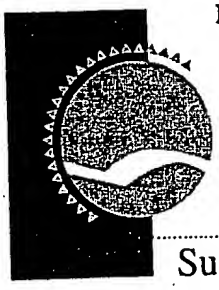
THE ORAL
DEPOSITION OF
MAMIE LI
FEBRUARY 6, 2003

**********

REPORTED BY: DEBBIE K. FORRESTER
JOB NO. 39663



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WITNESS: MAMIE LI



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EXHIBIT INDEX



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ORAL DEPOSITION OF MAMIE LI, produced as a witness at the instance of the DEFENDANT/COUNTERCLAIM PLAINTIFF and duly sworn, was taken in the above-styled and numbered cause on the 6th of February, 2003, from 1:08 p.m. to 3:27 p.m., before Debbie K. Forrester, CSR, in and for the State of Texas, reported at the offices of Vinson & Elkins, L.L.P., 1001 Fannin, 37th Floor, Houston, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated in the record or attached hereto.

A P P E A R A N C E S

FOR THE PLAINTIFF/COUNTERCLAIM DEFENDANT BAYLOR COLLEGE OF MEDICINE and BCM TECHNOLOGIES, INC., and ADDITIONAL COUNTERCLAIM DEFENDANT INVITROGEN CORPORATION:

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FOR THE DEFENDANT/COUNTERCLAIM PLAINTIFF:

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Patton Boggs, L.L.P.
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Washington, DC 20037-1350

* * * * * *

we mutated it, the strain itself is --

Q (BY MR. LABGOLD) Right. What I'm saying is, for example, do you know e. coli K12?

A Uh-huh.

Q And so if you started from e. coli K12 and you disabled the recA gene, then we would put down "K12" and then paren "recA minus" or "recA1"; correct?

A Correct.

Q And so the purpose of setting forth the genotype in this fashion is to let the skilled individual understand this is the mutation which has occurred and it provides the proper function?

A Correct.

Q Now, if you look at Figure 1, what does this show?

A It shows a scheme of Cre-lox reaction.

Q Now, is it your understanding that Dr. Elledge invented the Cre-lox recombination, in general?

A Yes.

Q Let me back up. Aside from what is set forth in the figure, the recognition that you could use, for example, lox p sites with cre recombinase, that was something that was known prior to Dr. Elledge's development of this system; correct?

A Correct.

Q And the concept of using the lox p sites with a cre recombinase was known in the prior art; correct?

A Can you repeat the question?

MR. LABGOLD: Would you read it back?

THE REPORTER: "And the concept of using the lox p sites with a cre recombinase was known in the prior art; correct?"

A Yes.

Q (BY MR. LABGOLD) And would it be fair to say that -- let me back up.

Plasmids were clearly known in the prior art, prior to the development of the Univector system; correct? Just the concept of a plasmid was known before Dr. Elledge developed the --

A Correct.

Q And a kanamycin resistance gene was known in the art prior to Dr. Elledge's invention; correct?

A Correct.

Q And the ampicillin resistance gene was known in the art prior to Dr. Elledge's invention?

A Correct.

Q And the use of either the kanamycin or the ampicillin or a host of other antibiotic resistance genes applied to a plasmid was known in the art prior to Dr. Elledge's development of the Univector system;

correct?

MR. BLANKE: I'm sorry. I lost that for a second. Can I get that read back, please?

THE REPORTER: "And the use of either the kanamycin or the ampicillin or a host of other antibiotic resistance genes applied to a plasmid was known in the art prior to Dr. Elledge's development of the Univector system; correct?"

A I'm a little confused. Using the kanamycin and ampicillin together in a --

Q (BY MR. LABGOLD) What I'm saying is plasmids containing antibiotic resistance genes were known in the art prior to Dr. Elledge's development of the Univector system; correct?

A Correct.

Q And, in fact, many of the antibiotic resistance genes have been isolated from bacteria, from plasmids which are transferred from bacteria to bacteria; correct?

A Correct.

Q And, finally, the GST-Cre fusion protein was known in the art prior to Dr. Elledge's development of the Univector system; correct?

A That, I don't know.

Q Is it -- if you take a look at your paper, in

the second column and it says "For a routine analysis of a new gene, it might be desirable to express it in bacteria as a glutathione-S-transferase fusion protein or with a six histidine (His6) tag for purification and antibody production." Do you see that?

A Uh-huh.

Q Does that refresh your recollection that the GST fusion proteins were known in the art prior to Dr. Elledge's development of the Univector system?

A For GST fusion proteins, yes.

Q And so is it fair to say that the -- is it fair to say that what Dr. Elledge achieved was to take these elements and to use them in a way which would achieve this facile recombination process?

A Can you repeat the question?

MR. LABGOLD: Let's have it read back.

THE REPORTER: "And so is it fair to say that the -- is it fair to say that what Dr. Elledge achieved was to take these elements and to use them in a way which would achieve this facile recombination process?"

A What's "facile" mean?

Q Rapid, easy.

So, basically, what I'm saying: Would it be fair to say that he took these known elements and

combined them in a way which achieved this result of the Univector system?

A Not everybody can do that.

Q Oh, I'm not saying that they can.

A That is true. These elements are all known, but I don't think not everybody can think of a way to put -- to use Cre-lox to put two plasmids together making fusions in a rapid way.

Q So if I understand correctly, the novelty, to the extent that any exists, relates to the combination and how they're combined as opposed to the individual components?

A Yes. To me, it's the concept of putting these things together.

Q Now, is this Figure 1 -- is this an accurate representation -- I'm sorry. I'm in the document that you sent out with the kit.

A Oh, okay.

Q This is on the page bearing the Production No. 370. Does this picture fairly depict how the recombination occurs?

A Yes.

Q And although in simple diagram form, does this convey to people of skill the recombination which occurs between the two plasmids?

Q Now, I notice that there's two bacterial strains here, both of which are Barry Wanner strains?

A That's right.

Q And do you have a recollection that one of the features of some of these strains is that they have a conditional origin of replication?

A That's right.

Q And the conditional origin of replication was not developed by Dr. Elledge; correct?

A No.

Q This list does not include one of the strains which is shown here in the bacterial strain table on the page ending in 369, BUN10. Do you see that?

A Yes, I see that.

Q Do you know what that strain is useful for?

A That strain is mainly used for homologous recombination.

Q So if you're not using homologous recombination, you wouldn't use the BUN strains; correct?

A You can use that to replicate pUNI.

Q But not for carrying out the homologous recombination?

A You can use it for both. You can replicate pUNI in that strain also.

A Correct.

Q And prior to the development of the Univector system, were there strains that were known to be useful with plasmids having conditional origins of replication?

A I don't know that. I don't know much about -- I don't know that much detail about bacteria before then.

Q But you did testify the conditional origenes of replication were known; correct?

A That's correct.

Q So, again, if you don't know, that's fine, but doesn't that lead you to the conclusion that if the conditional ori plasmids were in existence there must have been strains that could propagate them?

A That's right.

Q Now, if I understand the process correctly, then, you got an e-mail from Dr. Elledge. He told you what to send. You would then prepare the package and send that out to Dr. Archdeacon, or whoever the individual is, along with the paper materials?

A That's right?

MR. BLANKE: Could I get that read back?

THE REPORTER: "Now, if I understand the process correctly, then, you got an e-mail from Dr. Elledge. He told you what to send. You would then

CAUSE NO. 2001-61352

BAYLOR COLLEGE OF MEDICINE) IN THE DISTRICT COURT
and BCM TECHNOLOGIES, INC.)
)
Plaintiffs, )
VS. ) HARRIS COUNTY, TEXAS
)
CLONTECH LABORATORIES, )
INC., )
)
Defendants. ) 133RD JUDICIAL DISTRICT

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ORAL DEPOSITION OF

STEPHEN J. ELLEDGE

JULY 17, 2002

**********

THE ORAL DEPOSITION OF STEPHEN J. ELLEDGE, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on the 17th day of July, 2002, from 10:00 a.m. to 2:50 p.m., before R. Patrick Tate, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Baylor Colledge of Medicine, 1200 Cullen, Houston, Harris County, Texas pursuant to the Texas Rules of Civil Procedure.

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Washington, D. C. 20037

EXAMINATION INDEX



EXHIBIT INDEX

E. coli.

Q. Now, if we keep that picture open and you turn to your article, which is the document we've marked as Exhibit 3, I'd like to go to figure 1 of that document which is on page 1302 of the article, 146 production number, is what you've just described the same as what's described at the top of -- top right-hand -- top left-hand corner of figure 1 of the paper?

A. It's similar in essence, yes. I mean, the -- sort of the general idea is conveyed. This is similar in both of those. There's a little more detail on the paper.

Q. But the same concept, if you will, of how it works?

A. Yes.

Q. Okay. Now, with regard to the lox sites, did you discover the lox sites or were they described in prior references?

A. The loxP site had been previously published, and I created the loxH site and a few other variants that don't have names.

Q. And the cre mediation for the loxP recombination, had that been previously described in the prior art?

A. Yes.

Q. Now, I believe if I understand correctly, your, the rapidity of the screening method relies in part upon the conditional origin of replication, correct?

A. When you say the screening method, what exactly do you mean?

Q. Well, explain how the conditional origin of replication, what its function is?

A. Oh, its function is to prevent the Univector or recombination, certain recombination products that include the Univector, it precludes them from replicating by themselves in the host E. coli strain that you transformed them into.

Q. So that for the nontechnically inclined, after you've done the recombination, in order to be able to isolate the species out of all the possibly species which are generatable, the conditional origin of replication will help remove the

background of the pUNI vector, itself, correct?

A. Yes, actually in many respects it's very similar to the Clontech --

Q. Does the Clontech --

A. -- Creator system. They have a conditional origin also.

Q. We'll get to that in a moment. And the kanamycin resistance, the function of that is also a screening; is that correct?

A. Yes. You need a drug in this embodiment to make sure that your -- the linked sequence, which is the gene, is transferred.

Q. And the two that you have embodied in your examples are kanamycin and ampicillin resistance, correct?

A. Yes.

Q. And those were genes that you did not discover, correct?

A. That's correct.

Q. Had you discovered the conditional origin of replication?

A. No, it was previously published.